



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22VAC40-730-115
<b>Regulation Title:</b>	Investigation of Child Abuse and Neglect in Out of Family Complaints
<b>Action Title:</b>	2003 Legislative Requirements
<b>Date:</b>	August 20, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposed action is to incorporate changes into the regulation that are required by legislation enacted by the 2003 General Assembly. These changes pertain to clarification of procedures for conducting a CPS investigation of a teacher, principal or other person employed by a local school board or employed in a non-residential school operated by the Commonwealth.

SB 1043 added requirements regarding the investigation of child abuse or neglect allegations against public school personnel. In addition to providing specificity to the investigation procedures, the legislation requires local departments of social services to develop agreements with their local schools for how investigations will be conducted.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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Chapter 1, § 63.2-217 places authority with the Board of Social Services to make rules and regulations consistent with the Virginia Code § 63.2-1500 et seq. These regulations are necessitated by legislation enacted by the 2003 General Assembly session.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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Section 115 – This new section will be added between the current 110 and 120.

Subsection A will address the requirement that each local department of social services and local school division shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports against school personnel.

Subsection B will outline the investigative procedures required by SB 1043.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The only alternative would be to leave the regulations unchanged and not reflective of the Code of Virginia as revised effective July 2003.

### Impact on family

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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These proposed changes to the Out of Family regulations are not expected to have a significant impact on the family.